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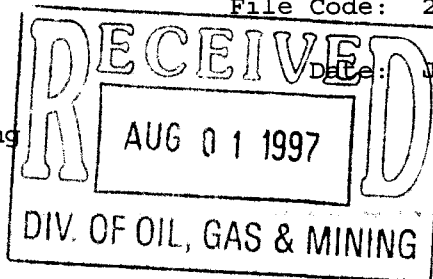
United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501
Phone # (801) 637-2817
Fax # (801) 637-4940

File Code: 2820-4



Date: July 29, 1997

Utah Division of Oil, Gas and Mining
ATTN: Daron Haddock
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

RE: Crandall Canyon Expansion, Genwal Resources, Inc., Crandall Canyon Mine,
ACT/015/032-97B, File #2, Emery County, Utah

Dear Daron:

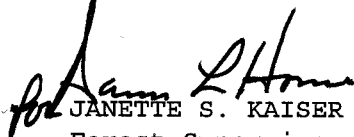
My staff has reviewed Genwal's submittal requesting a minor permit revision for expansion of their sediment pond and for an additional area for topsoil storage. These areas are on National Forest System lands, outside the lease area.

We have completed an analysis under the National Environmental Policy Act (NEPA), which resulted in a categorical exclusion authorizing the proposed actions. The Special Use Permits (SUP), which authorize the use of unleased National Forest System lands, have been modified to cover the expanded sediment pond and the additional topsoil storage area. A copy of the revised SUP and associated Decision Memo are enclosed for your reference.

I consent to the revision as submitted and incorporation of the off-lease surface disturbance into the permit area, as authorized in the attached Special Use Permits.

Please call Carter Reed or Dale Harber at (801) 637-2817 if you have any questions.

Sincerely,


JANETTE S. KAISER
Forest Supervisor

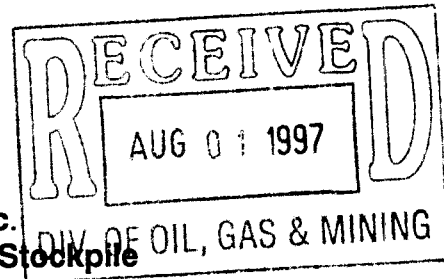
Enclosures

cc:
Genwal Resources, Inc.
Bureau of Land Management, Price Coal Office

DECISION MEMO

for

**Genwal Resource Inc.
Sediment Pond and Topsoil Stockpile
Special Use Permit Amendments**



July, 1997

**USDA, Forest Service, Region 4
Manti-La Sal National Forest
Ferron-Price Ranger District
Emery County, Utah**

Purpose and Need and Proposed Action

Genwal Resources Inc. (Crandall Canyon Mine) has applied for amendments of two existing special use permits on the Manti-LaSal National Forest, Ferron-Price Ranger District. The first application for amendment requests increasing the size of the existing sediment pond from 2 to 4 acre feet capacity and extension of a 72" culvert with energy dissipator in Crandall Creek, associated with the expansion of their surface facility on private land in Crandall Canyon. The overall size and configuration of the pond will be changed, but will lie completely within the 1.5 acre area currently under permit. The second application for amendment pertains to adding a fourth topsoil stockpile to their existing special use permit, which currently authorizes three topsoil stockpiles in Crandall Canyon. The fourth stockpile would be placed near the mouth of the canyon adding approximately 0.6 acres to the existing 0.9 acre permit. Both projects are needed to optimize the mine's recently approved expansion of their surface facilities, on private (fee) land.

Authority

The above referenced special use permits are promulgated, issued, and amended pursuant to the Organic Administration Act of June 4th 1897 and the Federal Land Policy and Management Act of October 21st 1976, as amended.

Decision and Rationale

After careful review of the proposal, public comments, and the environmental analysis disclosed in the project file, I have decided to authorize the amendment of the existing special use permits as proposed.

The addition of the fourth topsoil stockpile is beneficial in that it will enhance overall reclamation of the mine site located on private land within the administrative boundary of the National Forest. Initially

proposed through UDOGM as provided by their mine plan modification, there was to be less topsoil stockpiled, off-forest. By permitting the mine to add another stockpile site, on-forest, near the mine, Genwal Resources is able to preserve a greater amount of topsoil to be utilized during final reclamation of the Crandall Canyon Mine. Even though a screen of trees will remain, placement of the topsoil stock pile in view of State Highway 31 may temporarily detract from the visual quality, until it is revegetated and blends into the terrain. The area is designated as Partial Retention according to the Forest Plan, and such activity is acceptable. The trees along the perimeter of the site are to be protected from being buried in order to ensure their survival and function as a visual screen. Enlarging the sediment pond volume from the currently permitted 2 acre-feet to 4 acre-feet will reduce the risk of a high rainfall event causing failure or spill and introducing sediment into the creek; the risk of capacity exceedence will not be greater than 15%.

The disturbance associated with both the construction of the sediment pond and the stockpiling of the topsoil could introduce sediment into Crandall Creek if not properly controlled. Strict sediment control is expected to be enforced by UDOGM upon implementation of both projects. Stabilization and seeding of the topsoil stockpile will be consistent with that in the approved Mining and Reclamation Plan (June 1997).

The construction, commitment of additional National Forest System Lands solely to mining activity, and potential affect for increased sediment calls for off-set mitigation within the Huntington watershed. These potential impacts to both the resource and recreating public will be off-set by replacement of an obsolete toilet facility at the Forks of Huntington Campground by Genwal Resources Inc. This will provide an improved facility to recreationists and result in minimizing potential impacts to the Huntington watershed.

Reasons for Categorically Excluding the Proposed Action

Based on the environmental analysis disclosed in the project file, I found no extraordinary circumstances or effects (FSH 1909.15, 30.3 and 30.5) to exist that might cause this action to have significant effects on the quality of the human environment (40 CFR 1508.27).

No known prime or unique farmlands, wetlands, timber lands, or rangelands; floodplains; alluvial valley floors; cultural or significant paleontological resources; nor Threatened, Endangered, or Sensitive floral or faunal species will be impacted. Biological Evaluations in the project file, developed for this action, contain "no effect" determinations.

Finding no extraordinary circumstances, I determined the proposed action may be categorically excluded under FSH 1909.15, Chapter 31.2, category 3; approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.

Public Involvement

Scoping was initiated on July 8th 1997. A legal notice was submitted to the Sun Advocate and scoping letters were sent to a list of interested parties. No comments were received. Additionally, the project was described at an informational meeting, held on July 17th, for the local water users and no issues were raised.

Findings Required by other Laws

The analysis is tiered to the Manti-La Sal National Forest Land and Resources Management Plan, EIS, and Record of Decision (1986), as amended and references the Genwal Resources Inc. Mining & Reclamation Plan.

The project area lies within an MMA management prescription (leasable minerals development) area, consistency with the Manti-LaSal National Forest LRMP will be maintained.

My decision is consistent with the Forest Plan and will not require amendments. I have considered and find the decision consistent with the National Forest Management Act requirements as expressed in 36 CFR 219.27. The decision complies with the Endangered Species Act of 1973 and Section 106 of the National Historic Preservation Act of 1966 (Project File).

Utah Division of oil Gas and Mining is authorized to modify Genwal's Mining and Reclamation Plan to include these changes once the special use permits are amended by the Forest Service.

Implementation Date

My decision may be implemented on or after the date of signature.

Administrative Review or Appeal Opportunities

I am willing to meet with the holder of a written instrument and hear any concerns or issues related to this decision. Permittees may appeal this decision under 36 CFR 251, Subpart C. Any written notice of appeal must be fully consistent with 36 CFR 251.90 including the reasons for the appeal and must be filed within 45 days of this decision. The decision is not subject to appeal under 36 CFR 215 and 217.

Notice of Appeal and statement of reasons must be submitted in writing to ATTN: Regional Forester, Reviewing Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401. Simultaneously send a copy of the Notice of Appeal to: ATTN: Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501.

Contact Person

Persons with questions related to this decision may contact Jeff DeFreest at the Ferron-Price Ranger District, 599 West Price River Drive, Price, Utah 84523 or call (801) 637-2817.


JANETTE S. KAISER
Forest Supervisor

2/29/97
Date

U.S. DEPARTMENT OF AGRICULTURE Forest Service AMENDMENT FOR SPECIAL-USE AUTHORIZATION	Holder No.	Type Site	Authority	
	4 0 9 0-0 3	5 2 2	0 0 2	
	Issue Date	Expir. Date	Region	
	0 8/1 7/8 7	1 2/3 1/0 2	0 4	
	Forest	District	State	County
	1 0	0 3	4 9	0 1 5

AMENDMENT NUMBER 2

This Amendment is attached to and made a part of the Term special-use authorization for stockpile site issued to Genwal Coal Company on August 17, 1987 which is hereby amended as follows:

Additional stockpile site #4 located in the NE 1/4 of NW 1/4 of Section 4, T16S, R7E to store approximately 3,000 cubic yards of topsoil. Additional .6 acres includes installation of sediment control devices (silt fences) and access to site.

This Amendment is accepted subject to the conditions set forth herein, and to conditions - to - attached hereto and made a part of this Amendment.

Holder: [Signature] Authorized Officer: [Signature]
 Holder: Mgr, Tech Services Forest SUPERVISOR
 Date: 7/29/97 Date: 7/29/97

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

U.S. DEPARTMENT OF AGRICULTURE Forest Service AMENDMENT FOR SPECIAL-USE AUTHORIZATION	Holder No. <u>4 0 9 0-0 1</u>	Type Site <u>9 1 2</u>	Authority <u>6 7 6</u>	
	Issue Date <u>0 7/2 8/8 3</u>	Expir. Date <u>1 2/3 1/0 2</u>	Region <u>0 4</u>	
	Forest <u>1 0</u>	District <u>0 3</u>	State <u>4 9</u>	County <u>0 1 5</u>

AMENDMENT NUMBER 3

This Amendment is attached to and made a part of the Term special-use authorization for coal sedimentation pond issued to Genwal Coal Company on July 28, 1983 which is hereby amended as follows:

Raise embankment to increase sediment pond from 2 acre feet capacity to 4 acre feet capacity. Extension of proposed 72" culvert and energy dissipator for Crandall Creek.

This Amendment is accepted subject to the conditions set forth herein, and to conditions - to - attached hereto and made a part of this Amendment.

Holder: [Signature]

Authorized Officer: [Signature]

Holder: 7/29/97
Date: Mgr, Tech Services

Title: Forest Supervisor
Date: 7/29/97

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

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